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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/089,402	06/03/1998	HARUHIKO MURATA	P7314-8005	2801

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ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/21/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/089,402

Applicant(s)

MURATA ET AL.

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 1/27/2004 have been fully considered but they are not persuasive.

In re page 5, Applicants argue that Nishida detects the motion of the main object by the motion vector detecting circuits. In contrast, the claimed invention corrects the shutter speed and the diaphragm by taking the maximum value of the detected motion vectors as the amount of the movement. Thus Nishida fails to teach or suggest a means for detecting the movement of an object on the basis of an output of the imaging device wherein the movement of the object is detected by motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device.

In response, it is noted that the feature upon which applicant relies (i.e., corrects the shutter speed and the diaphragm by taking the maximum value of the detected motion vectors as the amount of the movement) is not recited in claim 7; regarding claim 7, the Applicants only recited the limitation "means for detecting the movement of an object on the basis of an output of the imaging device; wherein the movement of the object is detected by motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device." The Examiner considers that claim 7 as claimed still do not distinguish over Nishida patent. Nishida discloses motion vector detecting circuit 108, which detects the motion of the main object on the basis of the output of the imaging 60 (detecting the movement of the object, figure 2, column 6, lines 16-25). Nishida discloses motion vector detecting circuit for detecting the

Art Unit: 2612

motion of the image from two continuous image frames, figures 2, 4, column 5, lines 60-65; column 6, lines 16-49) and further disclose the movement of the object can be detected by adaptively changing the number of blocks to be accumulatively added in accordance with the contents of the image (wherein the movement of the object is detected by motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device, column 7, lines 20-30).

In re page 7, Applicants argue that the combination of Nishida and Nakano fail to teach or suggest all the features of recited in claim 6. Specifically, the combination of the cited references fail to at least teach and/or suggest a means for detecting the movement of an object on the basis of an output of the imaging device wherein the movement of the object is detected by motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device.

In response, regarding claim 6, the Examiner considers that Nishida discloses this feature as discussed regarding claim 7 above.

Claim Objections

2. Claims 2-7 are objected to because of the following informalities:

Claim 7 (line 5), "the exposure" should be changed to --an exposure--.

Claims 2-6 are objected as being dependent on claim 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 2612

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Nishida (US 5,210,566).

Regarding claim 7, Nishida discloses a camera apparatus comprising an imaging device, disclosed as an imaging element 90 (figure 2, column 5, lines 40-50); means for detecting the movement of an object on the basis of an output of the imaging device, disclosed as motion vector detecting circuit 108 (figure 2, column 5, lines 60-65, column 6, lines 16-22); exposure determination means for determining the exposure (signal level detecting circuit 102 for detecting an exposure signal, figure 2, column 5, lines 55-65); exposure correction means for making the exposure correction to the exposure determined by the exposure determination means on the basis of the detected movement of the object (exposure controlling circuit 88 controls the exposure such that the level of the exposure detecting signal 104 equals to the exposure controlling target value, figure 2, column 6, lines 5-15); wherein the movement of the object is detected by motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device (Nishida discloses motion vector detecting circuit for detecting the motion of the image from two continuous image frames, and the movement of the object can be detected by adaptively changing the number of blocks to be accumulatively added in accordance with the contents of the image, figures 2, 4, column 5, lines 60-65; column 6, lines 16-49, column 7, lines 20-30).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida (US 5,210,566) in view of Kinjo (US 5,289,227).

Regarding claims 2-5, Nishida fails to specifically disclose wherein the exposure control correction means corrects a shutter speed and a diaphragm and controls a gain and a strobo flashing in a case where a shutter is released on the basis of the detected information relating to the movement of the object. However, Kinjo discloses the exposure control circuit 34 controls the shutter driver 48, the shutter mechanism 42, the diaphragm 41, the flash device 56 (figures 1, 6, column 7, lines 27-58, column 10, line 61 – column 11, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Nishida by the teaching of Kinjo et al. in order to provide a camera capable of activating a flash device synchronously with the shutter mechanism if the object brightness at the flesh color area is low (column 11, lines 1-4).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida (US 5,210,566) in view of Nakano et al. (US 5,043,816).

Regarding claim 6, Nishida fails to specifically disclose means for temporarily storing a plurality of images picked up by the imaging device before and after a shutter is released, and

Art Unit: 2612

retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily stored before and after the shutter is released. However, Nakano et al. disclose an electronic still camera in which in the before/after photographing mode, when the shutter button 15 is depressed, a plurality of images which have been taken before and after the shutter operation are stored in memory 22.

Furthermore, the image having most less blurring phenomenon (the movement of the object is smallest) can be selected and then recorded on the floppy disk 28 (figures 1, 11-12, column 14, lines 53-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Nishida by the teaching of Nakano et al. in order to obtain a novel electronic camera capable of confirming the taking of a picture which has the best image quality regardless the blurring phenomenon occurs when the shutter button is depressed (column 2, lines 19-20, column 15, lines 46-54).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2612


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
4/16/2004


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2612